

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD J. TESTA, JR., Individually,
and on behalf of all others similarly situated,

Plaintiff,

vs.

MERRILL LYNCH, PIERCE, FENNER &
SMITH, INC., JOHN DOES 1-50 (said names
being fictitious individuals), and ABC
CORPORATIONS 1-50 (said names being
fictitious companies, partnerships, joint
ventures and/or corporations),

Defendants.

Civil Action No. 07-cv-08320 (AKH)
ECF Case

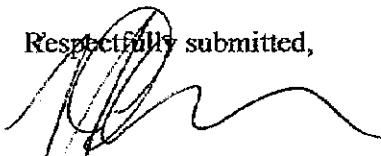
NOTICE OF APPEARANCE

To the Clerk of the Court and all parties of record::

Kenneth A. Elan, a member in good standing in this Court, hereby enters his appearance
as counsel of record on behalf of Plaintiff Richard J. Testa, Jr. in the above captioned matter.

Dated: New York, New York
November 16, 2007

Respectfully submitted,


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